

APPROVED MINUTES

KITTERY TOWN COUNCIL

November 11, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Oath of Office to Newly Elected Officials

Town Clerk place administered the Oath of Office to Councilor Spiller and Councilor Lemont.

5. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

6. The Kittery Town Council moves to elect a Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO ELECT COUNCILOR THOMSON AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR LEMONT.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

7. The Kittery Town Council moves to elect a Vice Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO ELECT COUNCILOR WHITE AS VICE CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY CHAIRPERSON THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

8. Agenda Amendment and Adoption –

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Councilor Dennett asked that Item 16b be placed between Items 15 a & b under old business. The agenda was accepted as amended.

9. Town Manager's Report –

Town Manager Puff stated that there was a regional work group on the air traffic noise on November 20 and asked who would be representing Kittery at the meeting.

Town Manager Puff indicated that she would be presenting her finding on the right of way issue on Bowen Road at the next meeting.

Town Manager Puff noted that the RFP for the master plan for the athletic fields had been released.

Town Manager Puff stated that there were 60 applications for the administrative clerk positions and they had hired two people who would be starting that Wednesday.

Town Manager Puff noted that she had met with the KPA and they were working together to complete a self-analysis.

Town Manager Puff indicated that she and Commissioner Albert had met with the MEDOT relative to the roads in the urban impact area relative to who would be maintaining specific roads. She continued that the DOT had indicated that they would be giving the by-pass back to the town and it may add an additional 20 miles for winter maintenance. Town Manager Puff noted she would be following up on this issue and would update Council in the future as it would not go into effect until 2015.

Town Manager Puff noted relative to assessing services, that she was working with the department to summarize their need and would like to release an RFP to see if they could hire a consulting firm to fulfill those functions.

Town Manager Puff stated that the town was looking for residents to serve on boards and committees in town.

Town Manager Puff indicated that she would be attending a training with the finance director for tax collectors and treasurers.

Town Manager Puff noted that an assisted listening device had been installed in Council Chambers.

10. Acceptance of Previous Minutes – 10/27/14

The minutes of 10/27/14 were accepted as amended.

11. Interviews for the Board of Appeals – None

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12. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

13. PUBLIC HEARINGS -

a. (110214-1) The Kittery Town Council moves to hold a public hearing on the transfer of \$12,500 from unencumbered surplus, authorized by the voters on June 10, 2014, for the purpose of matching \$12,500 in private donations for the preparation of a master plan for the town's athletic fields.

Chairperson Thomson indicated that this item was advertised in the local printed media on November 3, 2014. Chairperson Thomson then opened the public hearing.

Tony Marino came to the podium and stated that he wanted to encourage Council to move forward with the master plan and approve the match. He continued that he thought it was fiscally and environmentally responsible, and the private donations showed the broad reaching interests of this item. Mr. Marino indicated that time was of the essence so that it could be included in the 2015 CIP budget.

Chairperson Thomson then closed the public hearing.

COUNCILOR SPILLER MOVED TO TRANSFER AN AMOUNT NOT TO EXCEED \$12,500 FROM UNENCUMBERED SURPLUS, AUTHORIZED BY THE VOTERS ON JUNE 10, 2014, FOR THE PURPOSE OF MATCHING \$12,500 IN PRIVATE DONATIONS FOR THE PREPARATION OF A MASTER PLAN FOR THE TOWN'S ATHLETIC FIELDS, SECONDED BY COUNCILOR LEMONT.

Councilor Dennett stated that he had been given a figure of 944 participants and wanted to know if those were individuals or if they were counting per sport. Mr. Marino stated that it was counted by the number of participants in each sport. Councilor Denault asked any other teams used the fields besides the schools. Mr. Marino indicated that the number provided was just for the schools, but a number of pick up teams also used the fields. Councilor Lemont asked if they envisioned using the fields for anything other than sports. Mr. Marino stated that they did and there were lots of potential uses. Councilor Spiller stated that it was her understanding that there was an abandoned field behind the KCC and asked that the consultant look at that area. Mr. Marino stated that they would be looking at all usable space. Councilor Dennett stated that he would be voting against this item as he thought it might end up costing the town a lot of money.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

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b. (110214-2) The Kittery Town Council moves to hold a public hearing to adopt as an emergency ordinance, pursuant to Section 2.15 of the Town Charter, an amendment to Chapter 4.2.3 of the Kittery Town Code, Procedures for Council Appointments.

Chairperson Thomson stated that this was advertised in the local printed media on November 3rd. Chairperson Thomson opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR DENNETT MOVED TO ORDAIN, AS AN EMERGENCY ORDINANCE, AN AMENDMENT TO CHAPTER 4.2.3 OF THE KITTERY TOWN CODE, PROCEDURES FOR COUNCIL APPOINTMENTS, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (110214-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Chapter 4.2.3 of the Kittery Town Code, Procedures for Council Appointments.

Chairperson Thomson indicated that this was the same as the prior motion but would make the ordinance permanent in 30 days. Councilor Thomson then noted that this was advertised in the local printed media on November 3rd. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

COUNCILOR DENNETT MOVED TO ORDAIN A PROPOSED AMENDMENT TO CHAPTER 4.2.3 OF THE KITTERY TOWN CODE, PROCEDURES FOR COUNCIL APPOINTMENTS, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (110214-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Chapter 3.2.10 of the Kittery Town Code, Disposal of Property.

Chairperson Thomson indicated that this public hearing was advertised in the local, printed media on November 3, 2014. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

COUNCILOR DENNETT MOVED TO ORDAIN A PROPOSED AMENDMENT TO CHAPTER 3.2.10 OF THE KITTERY TOWN CODE, DISPOSAL OF PROPERTY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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14. Discussion

- a. Discussion by members of the public - NONE
- b. Response to public comment directed at a particular Councilor
- c. Chairperson's response to public comments

15. UNFINISHED BUSINESS –

- a. (100214-6) The Kittery Town Council moves to appoint Kenneth Lemont to the Port Authority for a term to expire August 31, 2019.

Chairperson Thomson stated that they had received a legal opinion which determined that Councilor Lemont could not serve on Council and the KPA at the same time.

COUNCILOR DENNETT MOVED TO POSTPONE THIS ITEM INDEFINITELY, SECONDED BY CHAIRPERSON THOMSON FOR DISCUSSION.

CHAIRPERSON THOMSON MOVED TO AMEND THE MOTION TO ALLOW COUNCILOR LEMONT TO GO TO THE TOP OF THE WAITING LIST WHEN HE IS NO LONGER SERVING ON COUNCIL, SECONDED BY COUNCILOR DENAULT.

Councilor Lemont stated that he appreciated Chairperson Thomson's motion and would like to not be placed at the bottom of the list. Councilor Dennett indicated that he was opposed to this as it could show favoritism. Councilor Pelletier stated he agreed with Councilor Dennett.

A ROLL CALL VOTE WAS TAKEN ON THE AMENDMENT WITH COUNCILOR LEMONT ABSTAINED AND THE REST OPPOSED. MOTION DOES NOT CARRY 0/6/1.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH COUNCILOR LEMONT ABSTAINED. MOTION PASSES 6/0/1.

- b. (110214-6) The Kittery Town Council moves to determine an alternate interview protocol for items 15a, b & c.

Councilor Dennett explained that this was an effort to solve the procedural problem which existing in appointed members to boards without a chair or members. He continued that this would allow the sitting Council to come up with an alternative interview process.

COUNCILOR DENNETT MOVED TO ORDAIN AN ALTERNATIVE INTERVIEW PROCESS PROTOCOL, SECONDED BY COUNCILOR PELLETIER.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (100114-17) The Kittery Town Council moves to appoint a representative to interview Robert D. Harris, Sr. for his appointment to the Personnel Board.

COUNCILOR SPILLER MOVED TO APPOINT COUNCILOR DENAULT TO INTERVIEW ROBERT D. HARRIS, SR. FOR HIS APPOINTMENT TO THE PERSONNEL BOARD, SECONDED BY CHAIRPERSON THOMSON WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (100114-18) The Kittery Town Council moves to appoint a representative to interview John J. Delio for his appointment to the Personnel Board.

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR DENNETT TO INTERVIEW JOHN J. DELIO FOR HIS APPOINTMENT TO THE PERSONNEL BOARD, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (100114-19) The Kittery Town Council moves to appoint a representative to interview Paul E. Lucy for his appointment to the Personnel Board.

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR LEMONT TO INTERVIEW PAUL E. LUCY FOR HIS APPOINTMENT TO THE PERSONNEL BOARD, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MOTION PASSES 7/0.

16. NEW BUSINESS

a. Donations/gifts received for Council disposition -

(110214-5) The Kittery Town Council moves to accept the gift of a thermal imager to the Fire Department from the Kittery Fire Association.

COUNCILOR SPILLER MOVED TO ACCEPT THE GIFT OF A THERMAL IMAGER TO THE FIRE DEPARTMENT FROM THE KITTERY FIRE ASSOCIATION, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (110214-7) The Kittery Town Council moves to adopt its rules for the ensuing year.

COUNCILOR DENNETT MOVED THAT COUNCIL ADOPT ITS RULES FOR THE ENSUING YEAR, SECONDED BY COUNCILOR DENAULT, WITH ALL IN FAVOR. MOTION PASSES 7/0.

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c. (110214-8) The Kittery Town Council moves to appoint Council members to on-going standing, ad hoc and Council committees.

CIP – Councilor Denault/Comprehensive Plan Update Committee – Councilor White/Economic Development Committee – Councilor Denault, Chairperson Thomson and Councilor Lemont/Open Space Committee – Councilor White/ORC – none/Recycling Scholarship Committee – Councilor Denault/Safford School Committee- Councilor Spiller/Shared Services Committee – Chairperson Thomson and Councilor White/Warrant Review (Municipal expenses) – 1. Councilor Dennett, 2. Councilor Pelletier, 3. Councilor Lemont/Municipal wages and benefits – 1. Chairperson Thomson, 2. Councilor White, 3. Councilor Pelletier/Warrant Review (School Expenses) 1. Councilor Lemont, 2. Chairperson Thomson, 3. Councilor Spiller/Wood Island Committee – Councilor Spiller and Councilor Pelletier.

CHAIRPERSON THOMSON MOVED TO APPOINT AS INDICATED, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (110214-9) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (110214-10) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Daniel Ford for his appointment to that board until 8/31/2019 (filling the vacancy of Barry Bush).

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR PELLETIER, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.

f. (110214-11) The Kittery Town Council moves to schedule a public hearing on proposed amendments to the fee schedule at Fort Foster.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE FEE SCHEDULE AT FORT FOSTER ON NOVEMBER 24TH, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.

g. (110214-12) The Kittery Town Council moves to set the Town Manager's salary, effective November 12, 2014, be set at \$106,575.

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COUNCILOR WHITE MOVED TO SET THE TOWN MANAGER'S SALARY, EFFECTIVE NOVEMBER 12, 2014, BE SET AT \$106,575, SECONDED BY COUNCILOR PELLETIER.

Councilor Denault indicated that he did not think that this was fair as other employees' contracts had not yet been finalized.

COUNCILOR DENAULT MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL THE NEXT REGULAR MEETING, SECONDED BY COUNCILOR DENNETT.

A ROLL CALL WAS TAKEN WITH COUNCILORS SPILLER, LEMONT, PELLETIER, WHITE AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 2/5.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH COUNCILOR DENNETT AND COUNCILOR DENAULT OPPOSED. MOTION PASSES 5/2.

h. (110214-13) The Kittery Town Council moves to authorize the Town Manager to close departments with the exception of essential personnel, the day after Thanksgiving, November 28, 2014, with the understanding that employees will use their personal accumulated time.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE TOWN MANAGER TO CLOSE DEPARTMENTS WITH THE EXCEPTION OF ESSENTIAL PERSONNEL, THE DAY AFTER THANKSGIVING, NOVEMBER 28, 2014, WITH THE UNDERSTANDING THAT EMPLOYEES WILL USE THEIR PERSONAL ACCUMULATED TIME, SECONDED BY COUNCILOR LEMONT, WITH ALL IN FAVOR. MOTION PASSES 7/0.

i. (110214-14) The Kittery Town Council moves to appoint a representative to meet with the Chair of the CIP Committee to interview Chris Perkins for his re-appointment to that Committee until 12/8/17.

CHAIRPERSON THOMSON MOVED TO REAPPOINT CHRIS PERKINS TO THE CIP COMMITTEE UNTIL 12/8/17, WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

17. COUNCILOR ISSUE OR COMMENT

Councilor Denault thanked the Police Department and Fire Department for providing the police and fire logs.

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Councilor Denault stated that he wanted to clarify that his no vote on the town manager's salary was no reflection of her and that he wanted all the other department heads to move forward at the same time.

Councilor Denault asked that the next agenda include appointing Robert Harris to the Planning Board. Chairperson Thomson stated that he could not be appointed without an interview and that would be put on the next agenda.

Councilor Spiller thanked the town clerk and her staff for a good election day.

Councilor Lemont stated that he was honored to serve on the Council and thanked the voters for trusting in him.

Councilor Lemont indicated that a few of his neighbors were concerned with the traffic leaving from Gate 2 in the afternoon. Chairperson Thomson stated that the Town Manager would reach out to the Shipyard.

Councilor Lemont noted that he wanted to be on a proactive Council and thought they could extend an invitation to the state senator to a meeting to discuss ideas. Chairperson Thomson asked the Town Manager to contact her office and see if she could attend the November 24th meeting.

Councilor White noted that Attorney MacEachern was recognized at the York County Bar Association fall dinner for his excellence in the profession. He continued that the town was lucky to have him.

18. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson stated that there was a workshop scheduled on November 17th with ARQ Architects relative to the possibility of expansion at the Rice Library.

Chairperson Thomson stated there was a state sign on Whipple Road that was at a 45 degree angle and asked that the DPW straighten it.

b. Committee Reports – None

19. EXECUTIVE SESSION – None

20. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:47 P.M.

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